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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/187,547 11/05/98 CAREY

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IP ADMINISTRATION
LEGAL DEPARTMENT 20BN
HEWLETT-PACKARD COMPANY
PO BOX 10301
PALO ALTO CA 94303-0890

EXAMINER

POTTER, R

ART UNIT

PAPER NUMBER

2822
DATE MAILED:

2
10/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/187,547

Applicant(s)
Carey et al.

Examiner
Roy Potter

Group Art Unit
2822



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 2, 5, and 6 is/are rejected.

☒ Claim(s) 3, 4, and 7-19 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

Roy Potter
Roy Potter
Patent Examiner
Technology Center 2800

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claims 1 - 19 are pending.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 - 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Isokawa et al., U.S. Patent No. 6,084,252.

Isokawa et al. U.S. Patent No. 6,084,252 discloses a semiconductor light emitting device. As shown in Figure 1, the device comprises a lead 1 having a cavity 1. An LED 3 is positioned in the cavity 11. The thick portion of the lead 1 below the LED 3 acts as a thermal slug. Smooth transparent resin 6 encapsulates the lead 1 and LED 3 and acts as a lens to provide optical functionality.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 - 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isokawa et al..

Regarding claims 5 - 6, Isokawa et al. does not disclose the hardness of the optically transparent material, however this selection of material would have been an obvious design choice requiring merely routine experimentation.

Allowable Subject Matter

Claims 3-4 and 7 - 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yoshida et al., U.S. Patent No. 5,606,182 discloses an optical semiconductor device for optical communications.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy Potter whose telephone number is (703) 308 - 4106.



Roy Potter
Patent Examiner
Technology Center 2800

Potter
October 2, 2000